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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052625
Party	Defendant AirNautic Watch Company
Correspondence Address	AIRNAUTIC WATCH COMPANY 1806 NORTHWEST 126TH WAY CORAL WAY, FL 33071 UNITED STATES
Submission	Answer
Filer's Name	Jennifer Parkins Rabin
Filer's e-mail	ip@akerman.com, tina.lynch@akerman.com
Signature	/Jennifer Parkins Rabin/
Date	08/04/2010
Attachments	10337-1 Answer to Petition to Cancel as filed w- TTAB (WP689841).PDF (4 pages)(615544 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTER OF:
U.S. TRADEMARK REGISTRATION NO. 3,640,791

NAUTICA APPAREL, INC.,)	
)	
Petitioner.)	
)	Cancellation No. 92052625
v.)	
)	
AIRNAUTIC WATCH COMPANY)	
)	
Registrant.)	
)	
)	

ANSWER TO PETITION FOR CANCELLATION

Through the undersigned counsel, Registrant, AirNautic Watch Company (“Registrant”) answers the Petition for Cancellation filed against Registration No. 3,640,791 by Petitioner, Nautica Apparel, Inc. (“Petitioner”), as set forth below. The Answer paragraphs are numbered to correspond to the numbered paragraphs of the Petition for Cancellation.

The first paragraph of the Notice of Cancellation is an introductory paragraph to which no responsive pleading is required. To the extent a response is deemed necessary, Registrant denies that Petitioner will be damaged by the continued registration of the mark shown in Registration No. 3,640,791.

1. Admitted.
2. Admitted.
3. Registrant admits that the Registration for the trademark AIRNAUTIC was issued in connection with “watches, namely, dive watches and pilot watches” in International Class 014.

4. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph and, therefore, denies the same. To the extent that Registrant is able to respond, it admits that the applications and registrations identified in Paragraph 4 speak for themselves.

5. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph and, therefore, denies the same. Registrant denies that Petitioner's Mark is famous.

6. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph and, therefore, denies the same.

7. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph and, therefore, denies the same.

8. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph and, therefore, denies the same.

9. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph and, therefore, denies the same.

10. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph and, therefore, denies the same.

11. Denied.

12. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph and, therefore, denies the same. Registrant denies that Petitioner's Marks are distinctive and famous.

13. Registrant admits that its mark, AIRNAUTIC includes the suffix "NAUTIC." All remaining allegations in this Paragraph are denied.

14. Denied.

15. Denied.

16. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph, namely, what Petitioner does or does not believe, and, therefore, denies the same.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

AFFIRMATIVE DEFENSES

1. Petitioner's Petition for Cancellation should be dismissed for failure to state a claim upon which relief can be granted.

2. Registrant's AIRNAUTIC mark is not likely to cause confusion with Petitioner's Marks.

3. The continued registration of Registrant's AIRNAUTIC mark is not causing damage or injury to Petitioner.

4. Petitioner's claims should be denied on grounds of laches.

5. Petitioner's claims should be denied on grounds of acquiescence.

6. Petitioner's claims should be denied on grounds of waiver.

7. Petitioner's claims should be denied on grounds of estoppel.

8. Petitioner's claims should be denied on grounds of unclean hands.

WHEREFORE, Registrant, AirNautic Watch Company, respectfully requests that the Trademark Trial and Appeal Board dismiss the Petition for Cancellation with prejudice.


Respectfully submitted,

Date: 8/4/10


Jennifer P. Rabin, Esq., FL Bar No.: 965642
Akerman Senterfitt
222 Lakeview Avenue, Suite 400
West Palm Beach, Florida 33401-6183
Telephone: (561) 653-5000
Facsimile: (561) 659-6313
10337-1

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Registrant's Answer to Petition for Cancellation has been served upon Stephen L. Baker, Baker and Rannells, P.A., 575 Route 28, Suite 102, Raritan, New Jersey 08869, by U.S. Mail, properly addressed with postage prepaid, this 4th day of August, 2010.


Jennifer P. Rabin